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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,645	05/15/2001	Barrie Jeremiah Mullins	ERLGP008US	8737
21121	7590	08/24/2004	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			CHANG, ERIC	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/681,645	Applicant(s) MULLINS ET AL.	
	Examiner Eric Chang	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are pending.

Specification

2. The disclosure is objected to because of the following informalities: it seems that the provided docket no. PI29273 is incorrect at page 4, line 3, as examiner is unable to locate the application.

Appropriate correction is required.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 1-6 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-6 of copending Application No. 09/681,656. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,475,295 to Hong, in view of U.S. Patent 6,553,500 to Sterzik et al.

7. As to claim 1, Hong discloses a power supply unit controller comprising:

[a] means for reading at least one signal [FIG. 1A; col. 3, lines 10-12; col. 4, lines 66-67; power controller receives a supply signal from a power source];

[b] memory for storing [inherent to the system having a memory]; and

[c] communicating means, responsive to a request from one of said devices, for a returning a state of said associated power supply unit to said requesting device [col. 1, lines 44-55; a remote controller requests status of a power supply and the system responds with information], said state including a combination of:

[d] a summary of the current status of the power supply unit [col. 1, lines 44-55; status of the power supply],

[e] a said at least one value [col. 1, lines 44-55; status of the power supply],

[f] said at least one scaling value [col. 1, lines 44-55; status of the power supply], and

[g] according to said device request [col. 1, lines 44-55; request signal from the remote controller].

Because it is well known in the art to use a backplane for communication between devices in a computer system, such as those disposed on a rack enclosure, Hong teaches all of the limitations of the claim, but Hong does not teach that the status of power supply includes a power supply unit serial number. However, Sterzik clearly discloses that the part number and any other information can be retrieved from a power supply unit and communicated to a remote system in order to facilitate identification of a power supply, for example to simplify customer service [col. 2, lines 60-67; col. 3, lines 25-27]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed for accessing information about a power supply unit. Moreover, in the light of Sterzik, it is quite clear that the serial number (part number) of a power supply is easily available beside several other information and the information are easily accessible by a power controller or any other processing unit.

8. As to claim 2, Sterzik teaches that the memory in the power supply comprises data that relates to a power capacity of the power supply unit [col. 2, lines 60-67]. Because a scaling value relates to a power capacity of a power supply, it would be obvious to one of ordinary skill in the art that Sterzik teaches that such a scaling value may be stored in the controller, substantially as claimed.

9. As to claim 3, Hong teaches that device is a higher level processor arranged to monitor the power supply status [col. 1, lines 44-55; remote controller]. It would have been obvious to

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one of ordinary skill in the art that such a status would comprise environmental conditions that would affect the operation of the power supply, substantially as claimed.

10. As to claim 4, Hong discloses the invention substantially. Hong does not disclose expressly if the status of power supply includes power supply unit serial number. However, Sterzik clearly discloses that the part number and any other information can be retrieved from a power supply unit and communicated to a remote system in order to facilitate identification of a power supply, for example to simplify customer service [col. 2, lines 60-67; col. 3, lines 25-27]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed for accessing information about a power supply unit. Moreover, in the light of Sterzik, it is quite clear that the serial number (part number) of a power supply is easily available beside several other information and the information are easily accessible by a power controller or any other processing unit.

11. As to claim 5, Hong teaches that controller is responsive to a device request to condition the amount of information returned by the power supply unit controller in response to the request [FIG. 1A; col. 1, lines 44-55; col. 2, lines 10-26].

12. As to claim 6, Hong teaches about at least one power supply unit [FIG. 1A; col. 1, lines 10-26].

Conclusion

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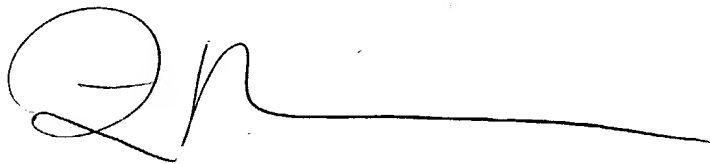
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ec

June 22, 2004

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a long horizontal line.

A. ELAMIN
PRIMARY EXAMINER